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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,247	10/29/2001	Chris A. Wolfe	010188	9072

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER
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JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/000,247

Applicant(s)

WOLFE ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 29-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I (claims 1-28) in Paper No. 9 is acknowledged. Claims 1-28 are presented for examination.

### ***Claim Objections***

2. Claim 11 is objected to because of the following informalities: It appears that a period is missing after facility. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: transportation of the freight.

The preamble of claim 24 recites a system for transporting freight. However, there is no step of transporting any freight in the body of the claim. Appropriate action is required.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

6. Claims 1-2, 7-10, 13, 15-19, 22 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1, 8, 16 and 24, for a claimed invention to be statutory, the claimed invention must be within the technological arts and provide a concrete tangible result. The claimed invention does not fall within the technological arts because no form of technology (a computer) is disclosed or claimed. It is noted that the disclosed and claimed invention (claim1) is directed to nothing more than a human making mental computations and manually providing... determining... and communicating... It is further noted that claim 8 is directed to nothing more than a human making mental computations and manually providing... determining... transporting... and transmitting... It is further noted that claim 16 is directed to nothing more than a human making mental computations and manually informing... transmitting... and transporting... It is further noted that claim 24 is directed to nothing more than a human making mental computations and manually informing... transmitting... and transporting. Therefore, claims 1, 8, 16, and 24 are deemed to be non-statutory.

Other claims that depend from claims 1, 8, 16 and 24 are also rejected.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 24-27 are rejected as being anticipated over Doyle (U.S. Patent No. 6,073,007).

As per claims 24 and 25, Doyle discloses a method for providing wireless communication services comprising:

a carrier dispatch center for transmitting and receiving messages, a carrier having a carrier vehicle communicatively coupled to the carrier dispatch center (i.e, a fleet having a fleet vehicle for receiving and transmitting messages) (col. 3, line 34 through col. 4, line 65),

and a third party dispatch center for transmitting and receiving messages and a third party carrier having a third party carrier communicatively coupled to the carrier dispatch center and to the third party dispatch center i.e. a third service provider coup to the internet service provider) (col. 3, lines 14-24 and col. 6 line 65 through col. 6, line 60).

As per claim 26, Doyle further discloses a carrier network management facility communicatively engaged with the carrier dispatch center (col. 2, lines 52-61).

As per claim 27, Doyle further discloses a satellite system for communicatively transferring messages from the third party carrier vehicle to the carrier network management (col. 2, lines 59-67).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle (U.S. Patent No. 6,073,007).

As per claim 28, Doyle using satellite communication, but fails to disclose terrestrial based communication wireless communication. Official notice is taken that using terrestrial-based wireless communication is notoriously well known in the communication art to receive and transmit information or messages. It would have been obvious to a person having ordinary skill in the art to modify the disclosures of Doyle to include this well-known teaching with the motivation to efficiently fast transfer the messages.

12. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (Page 1, line 10 through page 3, line 30) in view of Helms et al (U.S. Patent No. 5,880,958)

As per claims 1, 7 and 16-17, Applicant's admitted prior art ((Page 2 line to page 3 line 21) discloses:

Providing a freight t intended for transport by carrier having at least one carrier vehicle and a carrier control for communicating with the carrier vehicle, determining that the carrier is

not available to transport the freight, providing a third party carrier having at least one third party vehicle and a third party control center for communicating with the third party vehicle, and determining that the freight can be transported by the third party vehicle of the third party carrier (Page 2 line to page 3 line 21)

Applicant's admitted prior art fails to explicitly teach the step of communicating freight transportation status from the third party to the carrier control center. Helms et al on the other hand, discloses a truck being available to make a delivery and the receiving of status information about a freight "loads" being transported (col. 10, lines 14-25). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Admitted prior art to include the receive loads status as evidenced by Hems et al. In so doing, would determine the locations of each tractor vehicle and freight load.

As per claim 2, Applicant's admitted prior art discloses a carrier dispatch center (Page 3, lines 17-18).

As per claim 3, Applicant's admitted prior art discloses a network management facility (Page 3 lines 15-17).

As per claim 4, Applicant's admitted prior art discloses the use of mobile of communication terminal (MCT). See rejected claim 1 above. Helms et al also teaches the use of mobile communication (col. 4, lines 60).

As per claim 5, Applicant's admitted prior art further discloses the use of satellite communication. Note page 3 lines 8-9.

As per claim 6, Applicant's admitted prior art teaches the use terrestrial-based communication (Page 3 lines 8-9).

As per claims 8 and 9, Applicant's admitted prior art teaches:

providing a freight t intended for transport by carrier having at least one carrier vehicle and a carrier control center, determining that the freight can not be transported by said carrier, determining that the freight can be transported by a third party carrier, transporting the freight by a vehicle of said third party carrier (Page 2 line to page 3 line 21). Applicant's admitted prior art fails to explicitly teach the step of transmitting the status of the freight being transported. Helms et al on the other hand, discloses a truck being available to make a delivery and the receiving of status information about a freight "loads" being transported (col. 10, lines 14-25). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Admitted prior art to include the receive loads status as evidenced by Hems et al. In so doing, would determine the locations of each tractor vehicle and freight load.

As per claim 10, Applicant's admitted prior art discloses a carrier dispatch center and network management facility (Page 3, lines 17-18).

As per claim 11, Applicant's admitted prior art discloses a network management facility (Page 3 lines 15-17).

As per claim 12, Applicant's admitted prior art discloses the use of mobile of communication terminal (MCT). See rejected claim 1 above. Helms et al also teaches the use of mobile communication (col. 4, lines 60).

As per claim 13, Applicant's admitted prior art further discloses the use of satellite communication. Note page 3 lines 8-9.

As per claim 14, Applicant's admitted prior art teaches the use terrestrial-based communication (Page 3 lines 8-9).



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As per claim 15, Applicant's admitted prior art and Helms et al does not disclose contractual arranging, prior for the transportation of freight by said carrier for shipper such that said carrier is obliged to transport the freight of the shipper. Official Notice is taken that it is old and well known in shipping industry for two parties to sign a contract such as a bill of lading for a merchandise, product or item to be shipped/delivered by one of the parties. It would have been obvious to a person of ordinary skill in the art to modify the Applicant admitted prior art to include this well known teaching with the motivation of ensuring that the gets delivered to a customer.

As per claim 18, Applicant admitted prior art and Hems et al does not explicitly disclose tracking of the freight by a control Official Notice is taken that freight tracking is old and well known in the freight transportation industry in order to monitor the location of the freight. It would have been obvious to a person of ordinary skill in the art to modify Applicant admitted prior art to include this well-known teaching of freight tracking in order to determine the location of the freight, thereby making easy to render the status of the freight.

As per claim 19, Applicant's admitted prior art discloses a carrier dispatch center and network management facility (Page 3, lines 17-18).

As per claim 20, Applicant's admitted prior art discloses a network management facility (Page 3, lines 15-17).

As per claim 21, Applicant's admitted prior art discloses the use of mobile of communication terminal (MCT). See rejected claim 1 above. Helms et al also teaches the use of mobile communication (col. 4, lines 60).

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As per claim 22, Applicant admitted prior art further discloses the use of satellite communication. Note page 3, lines 8-9.

As per claim 23, Applicant's admitted prior art teaches the use terrestrial-based communication (Page 3, lines 8-9).

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Patel (U.S. Patent No. 5,953,706) discloses a transportation network system.
- b. Kluss (U.S. Patent No. 6,463,419) discloses a system for locating available transport vehicles for transporting a cargo.
- c. Dialog discloses (Rightfreight.com to partner With NTE, Creating a Seamless Online Shipping Platform for Air and Ground Freight Worldwide).

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

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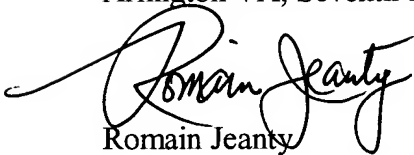
Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington VA, Seventh floor receptionist.

A handwritten signature in cursive script, reading "Romain Jeanty". The signature is written in black ink and is positioned above the printed name.

Romain Jeanty

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November 3, 2003